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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,960

09/11/2006

Peter Bauer

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3690

46726

7590

09/30/2008

BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

ROGERS, LAKIYA G

ART UNIT

PAPER NUMBER

4157

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,960	<b>Applicant(s)</b> BAUER ET AL.	
	<b>Examiner</b> LAKIYA ROGERS	<b>Art Unit</b> 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/10/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/10/2006</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office action is in response to the preliminary amendment filed on 02/10/2006.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10567960, filed on 09/11/2006.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/10/2006 was filed on the mailing date of the application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 12, 13, 14, 16, and 20- 21** are rejected under 35 U.S.C. 102(e) as being anticipated by Simmons, et al. (WO03/012350).

**Regarding claim 12**, Simmons, et al. teach a refrigerating appliance (100) comprising a heat-insulating housing (130; Page 6, lines 14-16) and a cooling circuit including an evaporator (590), a compressor (560) and a condenser (570), a first assembly (150) including at least the housing and said evaporator (Figs. 1 and 2) and a

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second assembly (140) including at least said compressor (Page 6, line 34 – Page 7, line 3) said first and second assembly can be placed variably in relation to one another (Page 8, line 33—Page 9, line 3).

**Regarding claim 13**, Simmons, et al. teach the invention as recited above and further teach including a coupling disposed in a coolant pipe connecting the first assembly and the second assembly (Page 8, lines 9-10 and lines 33-34).

**Regarding claim 14**, Simmons, et al. teach the invention as recited above and further teach the refrigerating appliance wherein said coupling including a first coupling portion attached to said first assembly and a second coupling portion attached to said second assembly, said two coupling portions are self-closing in the uncoupled state allowing said first assembly and said second assembly to be detachably separable from one another (Page 8, line 33-Page 9, line 5).

**Regarding claim 16**, Simmons, et al. teach the invention as recited above and further teach the refrigerating appliance including said condenser (570) being part of said second assembly (140) (Page 12, lines 28-29; Fig. 2).

**Regarding claim 20**, Simmons, et al teaches an assembly for a refrigerating appliance, comprising: a heat-insulating housing (130; Page 6, lines 14-16); an evaporator(590); and at least one coupling portion (330) from which at least one of an inlet or drain pipe (220) for a coolant extends to said evaporator (Fig. 2; Page 12, lines 28-29).

**Regarding claim 21**, Simmons, et al. teach in Fig. 2 an assembly for a refrigerating appliance, comprising a compressor (560; Page 12, lines 28-29) and at

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least one of a suction or pressure pipe (22) for a coolant, said suction pipe and said pressure pipe each extend between said compressor and a coupling portion (330).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim 15** is rejected under 35 U.S.C. 103(a) as being anticipated by Simmons, et al (WO03/012350) in view of Fumagalli (EP0845643).

**Regarding claim 15**, Simmons, et al. teach the invention as recited above but fail to teach wherein the refrigerating appliance includes said second assembly provided with forced ventilation.

However, Fumagalli teaches in the abstract and Fig. 1 a refrigeration system with variable forced ventilation.

Fumagalli further teaches that forced air circulation may be used to prevent the formation of temperature gradients in the cooled compartment resulting in a more uniform temperature (Col. 1; lines 36-39).

It would have been obvious to one having an ordinary skill at the time the invention was made to modify the device of Simmons by including a forced ventilation system as taught by Fumagalli in order to provide a more uniform temperature as taught by Fumagalli.

In addition, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention.

8. **Claim 17** is rejected under 35 U.S.C. 103(a) as being anticipated by Simmons, et al (WO03/012350) in view of Fischer (US5255526).

**Regarding claim 17**, Simmons, et al. teach the invention as recited above but fails to teach wherein said coolant pipe together with a condensation water pipe is guided in a line and including a coupling disposed in said condensation water pipe.

However, Fischer teaches in Fig. 1 a coolant pipe (16) together with a condensation water pipe (17) guided in a line and including a coupling (15) arranged in said condensation water pipe.

Fischer further teaches that the abovementioned configuration allows for draining of liquid and vapor when the pressure inside the coupling (15) is greater than the pressure in the coils (Col. 3; lines 48-54).

It would have been obvious to one having an ordinary skill at the time the invention was made to modify the device of Simmons by including a cooling pipe and a condensation pipe including a coupling in the arrangement taught by Fischer in order to provide means to drain liquid and vapor in relation to the amount of pressure in the coils versus the coupling as taught by Fischer.

In addition, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention.

9. **Claims 18, 19, and 22** are rejected under 35 U.S.C. 103(a) as being anticipated by Simmons, et al. (WO03/012350) in view of Holzer et al. (US2002/0014086).

**Regarding claim 18**, Simmons, et al. teach the invention as recited above but fails to teach wherein the refrigerating appliance is built into kitchen furniture having a base zone and said second assembly accommodated in said base zone.

However, Holzer et al. teach in Figs. 1 and 2 a refrigerating appliance (11) built into kitchen furniture (10) having a base zone (28) containing a refrigeration assembly (0021, lines 23-27).

**Regarding claim 19**, Simmons, et al in view of Holzer et al. teach the invention as recited above, and further teach in Fig. 1 having at least one compartment (12), said two assemblies ( 25 and 28) separated by at least one compartment (18) of said kitchen furniture.

**Regarding claim 22**, Simmons, et al. teach a method for installing a refrigerating appliance (page 4, lines 13-14), comprising the following steps: installing a first assembly (150) of the refrigerating appliance, including at least one heat-insulating housing (130; Page 6, lines 14-16), an evaporator and a coolant pipe (220), in a first zone of the furniture (150); installing a second assembly (140) including at least one compressor in a second zone (Page 6, line 34 – Page 7, line 3) of said furniture; and connecting connections (330) of said coolant pipe of said first assembly to corresponding connections of said second assembly (Fig. 2).

Simmons et al. fails to teach a method for installing a refrigerating appliance in furniture.

However, Holzer et al. teach a method for installing a refrigerating appliance in furniture.

Therefore, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAKIYA ROGERS whose telephone number is (571)270-7145. The examiner can normally be reached on M-F: 7:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571)272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-



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8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LR/

/Zelalem Eshete/

Primary Examiner, Art Unit 3748